

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

V.

CHARLES RAY MCCONNELL

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NO. 3:15-CR-0070-L

**MOTION FOR CONTINUED RELEASE PENDING
SENTENCING WITH BRIEF INCORPORATED**

COMES NOW CHARLES RAY MCCONNELL, Defendant, and requests this Honorable Court to continue his release pending sentencing under Title 18, United States Code, Section 3141, et. seq., and would she the Court the following:

I.

The Defendant is not likely to flee or pose a danger to any person or the community if released pending sentencing pursuant to 18 U.S.C. § 3142 (b) or (c).

A. The pending cause involves the possession and distribution of steroids.

There are no allegations of violence to any person alleged in the indictment. There is no allegation that a weapon (gun) was used or exhibited in the commission of the offense.

The Defendant has not been convicted of a crime of violence.

Consequently, the Defendant poses no danger to the community or others if he is released pending sentencing. 18 U.S.C. § 3142 (b) or (c).

B. There is no evidence the Defendant is likely to flee.

The Defendant is to be married to Valerie Denise Rothdeutsch on Tuesday, April 21st,

2015.

The Defendant has two businesses, National Rapid Response, Inc. and Big Macs Consulting, Inc., and has long time connection to the Dallas area.

When informed of the allegation, the Defendant waived indictment, took responsibility for his actions, and plead Guilty to an information, saving the Government the trouble of a Grand Jury presentation and the extensive procedure that would have followed.

Therefore, it is evident that the Defendant is not a flight risk. 18 U.S. C. § 3142 (b) or (c).

C. Exceptional Circumstances:

The defense has reviewed all the cases cited by the Court in its Order Setting Briefing Schedule and Hearing, and has done exhaustive collateral case research and has concluded that there are vague exceptional circumstances that would justify continued release pending sentencing.

The Court in United States v. Green, 250 F. Supp. 2d 1145, 1150(E.D. Missouri 2003), sets out factors that other Courts have considered, only one of which might apply to this Defendant. Number (4) at p.1150 states,”the extent and effect of the Defendant’s cooperation with the Government.” The Defendant waived Indictment and plead to an information immediately after having been informed of the allegations. He has additionally communicated through Counsel his willingness to debrief and provide substantial information and cooperation which could lead to other prosecutions for offenses similar to the one to which he had plead.

The Court goes on to say:

“The Court views these factors as guiding principles and does not consider

them exhaustive or binding. In light of the discretion granted to the Courts by Congress, in each case the factors should be accorded varying weight and no one factor shall be determinative. *See DiSomma*, 951 F. 2d at 497 (stating that the district courts maintain the “full exercise of discretion in these matters”).

While it is not clear what discretion the Court retains in this matter, there seems to be some discretion.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that the Court consider this Motion and exercise its discretion and grant the Motion for Continued Release Pending Sentencing.

Respectfully submitted,

/s/ *Frank Jackson*

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CERTIFICATE OF CONFERENCE

I certify that on this the 16th day of April, 2015, my office attempted to confer with P.J. Meitl, Assistant U.S. Attorney, regarding any opposition to the filing of this motion.

/s/ *Frank Jackson*
FRANK JACKSON

CERTIFICATE OF SERVICE

I certify that on this the 16th day of April, 2015, the foregoing document was filed with Clerk for the United States District Court-Northern District of Texas, Dallas Division, using the electronic filing system of the Court.

/s/ *Frank Jackson*
FRANK JACKSON